

BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date 6/16/04

Division **County Attorney**

AGENDA ITEM WORDING

Authorization to initiate litigation to collect code enforcement fines that had been imposed against Reinaldo Delgado & Lourdes Nunez and H. Marshall Golnick and for authorization of the County Attorney's office to negotiate settlements, if appropriate, in each case.

ITEM BACKGROUND

Delgado/Nunez: On 1/28/04, the Code Enforcement Special Master imposed a daily fine of \$500.00 against Mr. Delgado & Ms. Nunez's property on Key Largo for Stock Island for building a pool without a permit. As of 5/27/04, the property was still in violation. On that date, the Special Master authorized the initiation of collection proceedings of the fine and costs which totaled \$31,850.00.

Golnick: On 1/28/04, the Special Master imposed a daily fine (retroactive to 1/21/04) of \$200.00 per day for two violations of the code, building without a permit and violation of the FEMA floodplain regulations. On 5/27/04, the Special Master authorized the initiation of collection proceedings although the violations had been cured because the fine and administrative costs of \$11,300.00 had not been paid.

PREVIOUS RELEVANT BOCC ACTION None.

CONTRACT/AGREEMENT CHANGES None.

STAFF RECOMMENDATIONS

Approval

TOTAL COST

BUDGETED Yes No

COST TO COUNTY

SOURCE OF FUNDS

APPROVED BY: County Attorney ■ OMB/Purchasing ! Risk Management !

DIVISION DIRECTOR APPROVAL

John R. Collins 06/01/04
JOHN R. COLLINS

DOCUMENTATION:

Included xx

To Follow !

Not Required !

AGENDA ITEM # _____

T3

BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA

Petitioner,

vs.

H. MARSHALL GOLNICK

Respondent(s).

RCD Feb 18 2004 01:03PM
DANNY L KOLHAGE, CLERK

CASE NO. M4-03-453
(CE03040140)

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Master on July 31st 2003, after due notice to the Respondent(s), at which time the Special Master heard testimony under oath, received evidence, and issued his Order finding the Respondent(s) in violation of Monroe County Code Section(s): §9.5-111(a) - A building permit is required for an enclosure of downstairs, concrete staircase, support column with landing and electric and wood structure at top of "top hat"; §9.5-317(b)(1)(b,d) - FEMA Standards regarding residential construction;

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by January 21st 2004, and further, that failure to correct the violation(s) by the compliance date may result in a fine, per day, being imposed for each day thereafter that there is noncompliance. The Special Master has reserved ruling on a daily fine. At the meeting of the Special Master held on January 28th 2004, Inspector Bass testified that the violation(s) had not yet been corrected.

ACCORDINGLY, the Special Master finding that the violation(s) had not been corrected, as previously ordered, it is hereby:

ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of **\$200.00 (TWO HUNDRED DOLLARS)**, per day, per count, beginning January 22nd 2004, and for each and every day thereafter that the violation(s) exist(s) and/or continue(s) to exist. Pursuant to Florida Statutes Section 162.07, a fine in the amount of **\$100.00 (ONE HUNDRED DOLLARS)** is hereby levied for the administrative recovery for prosecution and investigation.

THIS ORDER SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION(S) EXIST(S) AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S).

THE VIOLATION(S) EXIST(S) ON THE FOLLOWING DESCRIBED
PROPERTY: LOT 30, LONG BEACH ESTATES SECTION A, BIG PINE KEY,
MONROE COUNTY, FLORIDA (RE:00317020-000000)

Pursuant to Section 162.09, Florida Statutes, and may be recorded with the Clerk of
the Courts for Monroe County, Florida.

That upon complying, the Respondent(s) shall notify the Code Inspector in this
case, who shall reinspect the property and notify the Special Master of compliance.

DONE AND ORDERED this 9 day of February, 2004, at the Monroe
County Government Regional Center, Marathon, Florida.

BY


J. Jefferson Overby, Esq.
Code Enforcement Special Master

STATE OF FLORIDA
COUNTY OF MONROE

I HEREBY CERTIFY that on this day, before me, on officer duly authorized
in the State aforesaid and in the County aforesaid, to take acknowledgments,
personally appeared J. Jefferson Overby, personally known to me, who executed the
foregoing and acknowledged before me that he executed the same.

9 WITNESS my hand and official seal in the County and State last aforesaid this
day of February, 2004.


Notary Public



Jacqueline L. McLain
My Commission DD240870
Expires October 21, 2007

I HEREBY CERTIFY that a true and correct copy of the above and foregoing
Order Imposing Penalty/Lien has been furnished by U.S. Mail, to the Respondent(s) at
1318 W. Terra Mar Drive, Pompano Beach, FL 33062, this 10 day of February,
2004.

I hereby certify this document to be a
true and correct copy of the original.


Jacqueline L. McLain
Recording Secretary to the Special Master


Jacqueline L. McLain,
Code Enforcement Liaison

MONROE COUNTY
OFFICIAL RECORDS

**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF MONROE COUNTY, FLORIDA**

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO. CE03080209

**REINALDO DELGADO and
LOURDES NUNEZ**

RCD Feb 18 2004 01:03PM
DANNY L KOLHAGE, CLERK

Respondent(s).
/

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Master on December 4th 2003, after due notice to the Respondent(s), at which time the Special Master heard testimony under oath, received evidence, and issued his Order finding the Respondent(s) in violation of Monroe County Code Section(s): §9.5-111(a) - A building permit is required for a swimming pool and wood stairs; §9.5-2(a) - Planning approval is required for a swimming pool on a vacant lot;

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by January 21st 2004, and further, that failure to correct the violation(s) by the compliance date may result in a fine in the amount of \$250.00, per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Master held on January 28th 2004, Inspector Link testified that the violation(s) had not yet been corrected.

ACCORDINGLY, the Special Master finding that the violation(s) had not been corrected, as previously ordered, it is hereby:

ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of **\$250.00 (TWO HUNDRED FIFTY DOLLARS)**, per day, beginning January 22nd 2004, and for each and every day thereafter that the violation(s) exist(s) and/or continue(s) to exist. Pursuant to Florida Statutes Section 162.07, a fine in the amount of **\$100.00 (ONE HUNDRED DOLLARS)** is hereby levied for the administrative recovery for prosecution and investigation.

THIS ORDER SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION(S) EXIST(S) AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S).

THE VIOLATION(S) EXIST(S) ON THE FOLLOWING DESCRIBED
PROPERTY: LOT 35 BLOCK 10, LAKE SURPRISE ESTATES, KEY LARGO,
MONROE COUNTY, FLORIDA (RE:00536870-000000)

Pursuant to Section 162.09, Florida Statutes, and may be recorded with the Clerk of
the Courts for Monroe County, Florida.

That upon complying, the Respondent(s) shall notify the Code Inspector in this
case, who shall reinspect the property and notify the Special Master of compliance.

DONE AND ORDERED this 9 day of February, 2004, at the Monroe
County Government Regional Center, Marathon, Florida.

BY


J. Jefferson Overby, Esq.
Code Enforcement Special Master

STATE OF FLORIDA
COUNTY OF MONROE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized
in the State aforesaid and in the County aforesaid, to take acknowledgments,
personally appeared J. Jefferson Overby, personally known to me, who executed the
foregoing and acknowledged before me that he executed the same.

9 WITNESS my hand and official seal in the County and State last aforesaid this
day of February, 2004.


Notary Public



Jacqueline L. McLain
My Commission DD248970
Expires October 21, 2007

I HEREBY CERTIFY that a true and correct copy of the above and foregoing
Order Imposing Penalty/Lien has been furnished by U.S. Mail, to the Respondent(s) at
9347 SW 145 Place, Miami, FL 33186, this 10 day of February, 2004.

I hereby certify this document to be a
true and correct copy of the original.


Jacqueline L. McLain
Recording Secretary to the Special Master


Jacqueline L. McLain,
Code Enforcement Liaison

MONROE COUNTY
OFFICIAL RECORDS